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Application No.: 10/033,030 :  
Filing Date: Nov. 9, 2001 : Examiner: Fitzgerald  
Applicant(s): Gower :  
Atty Docket No.: 1789.009 : Art Unit 3637  
Title: Flexible Wind Abatement System :

Certificate of Mailing Under 37 C.F.R. 1.8(a)

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**AMENDMENT UNDER 37 CFR 1.116**

This is a response to the FINAL Action, dated Dec. 5, 2003, having a shortened statutory period ending Mar. 5, 2004.

The applicant petitions to have the finality of the last Office Action withdrawn in order to fully respond to the various rejections, particularly the rejection based on 35 USC 103, since prior art was applied against the claims only in the last action which was the second action in the case and made final.

The first action did not contain an art rejection. In the response, the claims were not amended. In the second action, art was applied to the same claims that were present originally. The finality of the second action was not because of any amendment by the

applicant requiring citation of new art. Therefore, there is no basis for the finality of the rejection.

In order to provide a full response to the action the following amendments are made.

The amendment to the specification begins on page 3 of this amendment. The amendment to the claims begins on page 4 of this amendment.

The remarks begin on page 7 of this amendment.